

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Inventors: | Rob Greenberg, et al. | Examiner: | Chuck O. Kendall |
| Serial No.: | 10/766,064 | Group Art Unit: | 2192 |
| Filed: | January 28, 2004 | Docket No.: | 200313989-2 |
| Title: | Displaying a Screen During an Initial Log-in Experience After Installation of an OS on a Computer System | | |

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is filed in response to the Final Office Action mailed March 20, 2009 and Notice of Appeal mailed June 19, 2009.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

I. REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences known to Appellant, Appellant's legal representative, or assignee that will directly affect or be directly affected by or have a bearing on the Appeal Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1 – 29 are pending in the application and stand finally rejected. The rejection of claims 1 – 29 is appealed.

IV. STATUS OF AMENDMENTS

No amendments were made after receipt of the Final Office Action. All amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of the claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters, as required by 37 C.F.R.

§ 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification and drawings where applicable. Note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element or that these are the sole sources in the specification supporting the claim features.

Claim 1

A method of displaying a vendor provided information screen in response to a log-in experience, said method comprising:

- initiating installation of an operating system (OS) (Fig. 2A, #202: install OS: line 1 of paragraph [0023] on p. 9);

- providing a screen driver to the OS during the installation (Fig. 2A, #214: drivers manually installed; or Fig. 2, #216: drivers installed from VID: lines 7-10 of paragraph [0025] on p. 10; and lines 2-3 of paragraph [0026] on p. 10);

- completing installation of the OS (Fig. 2A, # 218: complete installation of OS: line 2 of paragraph [0027] on p. 10);

- executing the screen driver upon initiation of the log-in experience, said executing the screen driver further comprising (Fig. 2B, #232: execute screen driver: line 3 of paragraph [0029] on p. 11):

 - displaying the information screen (Fig. 2B, #238: display vendor provided information: lines 1-2 of paragraph [0032] on p. 13); and

 - maintaining visibility of the information screen over subsequently generated display screens until occurrence of a predetermined event (Fig. 2B, #238: the vendor information screen remains on top of all other subsequently generated screens: lines 2-4 of paragraph [0033] on p. 13); and

completing the log-in experience (Fig. 2B, #240: lines 10-11 of paragraph [0033] on p. 14).

Claim 2

The method of claim 1 wherein said providing a screen driver further comprises storing the screen driver with other drivers to be retrieved by the OS during the installation of the OS (The screen driver is provided with other drivers that the OS is already retrieving: lines 9-11 of paragraph [0028] on p. 11).

Claim 20

A computer program product for displaying a vendor provided information screen in response to a log-in experience, said computer program product comprising:

a computer-readable storage medium (Fig. 1, #104/110: read only memory: lines 1-2 of paragraph [0021] on p. 8); and

program instructions stored on said storage medium for:

initiating installation of an operating system (OS) (Fig. 2A, #202: install OS: line 1 of paragraph [0023] on p. 9);

providing a screen driver to the OS during the installation (Fig. 2A, #214: drivers manually installed; or Fig. 2, #216: drivers installed from VID: lines 7-10 of paragraph [0025] on p. 10; and lines 2-3 of paragraph [0026] on p. 10);

completing installation of the OS (Fig. 2A, #218: complete installation of OS: line 2 of paragraph [0027] on p. 10);

executing the screen driver upon initiation of the log-in experience, said executing the screen driver further comprising (Fig. 2B, #232: execute screen driver: line 3 of paragraph [0029] on p. 11):

displaying the information screen (Fig. 2B, #238: display vendor provided information: lines 1-2 of paragraph [0032] on p. 13); and

maintaining visibility of the information screen over any subsequently generated display screens until occurrence of a predetermined event (Fig. 2B, #238: the vendor information screen

remains on top of all other subsequently generated screens: lines 2-4 of paragraph [0033] on p. 13); and
completing the log-in experience (Fig. 2B, #240: lines 10-11 of paragraph [0033] on p. 14).

Claim 21

The computer program product of claim 20 wherein said program instructions further for retrieving the screen driver from a virtual installation disk (VID) (Fig. 2B, #216: drivers read from VID: line 2 of paragraph [0027] on p. 10).

Claim 25

A computer system capable of displaying a vendor provided information screen in response to a log-in experience, said computer program product comprising:

a computer-readable storage medium (Fig. 1, #104/110: read only memory: lines 1-2 of paragraph [0021] on p. 8); and

program instructions stored on said storage medium for:

initiating installation of an operating system (OS) (Fig. 2A, #202: install OS: line 1 of paragraph [0023] on p. 9);

providing a screen driver to the OS during the installation (Fig. 2A, #214: drivers manually installed; or Fig. 2, #216: drivers installed from VID: lines 7-10 of paragraph [0025] on p. 10; and lines 2-3 of paragraph [0026] on p. 10);

completing installation of the OS (Fig. 2A, #218: complete installation of OS: line 2 of paragraph [0027] on p. 10);

executing the screen driver upon initiation of the log-in experience, said executing the screen driver further comprising (Fig. 2B, #232: execute screen driver: line 3 of paragraph [0029] on p. 11):

displaying the information screen (Fig. 2B, #238: display vendor provided information: lines 1-2 of paragraph [0032] on p. 13); and

maintaining visibility of the information screen over any subsequently generated display screens until occurrence of a predetermined event (Fig. 2B, #238: the vendor information screen

remains on top of all other subsequently generated screens: lines 2-4 of paragraph [0033] on p. 13); and completing the log-in experience (Fig. 2B, #240: lines 10-11 of paragraph [0033] on p. 14).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-2, 4-14, 20-21, 25, and 27 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,567,860 (Maxwell) in view of USPN 5,577,244 (Killerbrew) and USPN 6,681,323 (Fontanesi).

Claims 3, 21, and 26 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,567,860 (Maxwell) in view of USPN 5,577,244 (Killerbrew) and USPN 6,681,323 (Fontanesi) and USPN 6,832,379 (Zeryck).

Claims 15-19, 24, and 29 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,567,860 (Maxwell) in view of USPN 5,577,244 (Killerbrew) and USPN 6,681,323 (Fontanesi) and USPN 6,934,956 (Allen).

VII. ARGUMENT

The rejection of claims 1 – 29 is improper, and Appellants respectfully request reversal of these rejections.

The claims do not stand or fall together. Instead, Appellants present separate arguments for various independent and dependent claims. Each of these arguments is separately argued below and presented with separate headings and sub-heading as required by 37 C.F.R. § 41.37(c)(1)(vii).

Principles of Law: Claim Construction

During examination of a patent application, pending claims are given their broadest reasonable construction consistent with the specification (see *In re Prater*, 415 F.2d 1393, 1404-05 (CCPA 1969); *In re Am. A cad. a/Sci.Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004)).

Although a patent applicant is entitled to be his or her own lexicographer of terms in a claim, in *ex parte* prosecution the lexicography must be within limits. *In re Carr*, 347 F.2d 578, 580 (CCPA 1965). The applicant must do so by placing such definitions in the specification with sufficient clarity to provide a person of ordinary skill in the art with clear and precise notice of the meaning that is to be construed. *See also In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994) (although an inventor is free to define the specific terms used to describe the invention, this must be done with reasonable clarity, deliberateness, and precision; where an inventor chooses to give terms uncommon meanings, the inventor must set out any uncommon definition in some manner within the patent disclosure so as to give one of ordinary skill in the art notice of the change).

Principles of Law: Obviousness

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007):

Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

As set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, “[a]ll claim limitations must be considered” because “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385.

According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

(A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; (G)

Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S., 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006), “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness.”

Therefore, if the above-identified criteria and rationales are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claim Rejections: 35 USC § 103(a)

Claims 1-2, 4-14, 20-21, 25, and 27 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,567,860 (Maxwell) in view of USPN 5,577,244 (Killerbrew) and USPN 6,681,323 (Fontanesi). These rejections are traversed.

Claims 1-2, 4-14, 20-21, 25, and 27 recite one or more elements that are not taught or suggested in Maxwell in view of Killerbrew and Fontanesi. These missing elements show that the differences between the combined teachings in the art and the recitations in the claims are great. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

Some examples are provided below for different claim groupings separately argued with different sub-headings.

Sub-Heading: Claims 1-2, 4-14, 20-21, 25, and 27

Independent claim 1 is selected for discussion.

As one example, independent claim 1 recites maintaining visibility of the information screen over subsequently generated display screens until occurrence of a predetermined event. The examiner admits that Maxwell does not teach this claim

element (see OA mailed 07/25/2008 at p. 3). Appellants agree with this admission. The examiner, however, attempts to cure this deficiency with Killerbrew. Appellants respectfully disagree.

The examiner quotes Killerbrew at column 3, lines 19-24. This section of Killerbrew is reproduced below for convenience:

[T]he update program is invoked from a driver program contained in the operating system which facilitates the display of all of the screen panels, the monitoring of the keyboard 22 and the installation of the plurality of separately installable features or components of the software program.

This section in Killerbrew teaches invoking an update program from the OS which facilitates display of screen panels. Nowhere does this section of Killerbrew teach or even suggest that the display of screen panels maintains visibility of the information over subsequently generated display screens until occurrence of a predetermined event. Even though Killerbrew mentions that screen panels are displayed, Killerbrew never mentions or even suggests maintaining visibility of these screen panels over subsequently generated display screens. Killerbrew is completely silent on the interaction between these screen panels and any possible subsequent display screens.

Appellants respectfully submit that the examiner has failed to cite a location in the art of record that teaches or even suggests maintaining visibility of the information screen over subsequently generated display screens until occurrence of a predetermined event.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, claims 1-2, 4-14, 20-21, 25, and 27 are allowable over the art of record.

As other examples, independent claim 1 recites providing a screen driver to the operating system (OS) during installation of the OS. Further, claim 1 is directed to method of displaying a vendor provided information screen. The claim then recites

displaying the information screen. The examiner argues that Maxwell teaches these claim elements at column 6, lines 5-30. Appellants respectfully disagree.

Column 6, lines 5-30 in Maxwell teaches a graphical user interface (GUI) provided to the user. **This GUI is not displayed during installation of the OS.** Instead, Maxwell expressly teaches when the GUI is displayed: “This GUI is displayed to the user when the add-device tool is invoked” (see Maxwell at column 6, lines 8-10). In Maxwell, the OS is already installed. Later, the GUI is displayed to the user. These teachings are very different than the recitations of claim 1. As recited in the claim, the screen driver is provided to the OS during installation of the OS. The section in Maxwell cited by the examiner merely teaches displaying a GUI after the OS is already installed.

The add-device tool of Maxwell is a utility that, under control of a user, facilitates a process of updating/modifying an existing and installed OS through the addition of new device drivers that do not already exist in the installed version of the OS. This is typically necessitated by the addition of new hardware devices that have been added to the system since the time of its original configuration. The add-device tool of Maxwell is designed to generate code by which an OS that has already been installed can be modified with one or more new drivers, but not to provide a driver during the installation of the OS. Indeed, the only discussion of a driver within the cited text is in conjunction with an error log maintained by the tool while it is generating code modifications so that a user can see why the tool might fail to complete its task of adding drivers to the already installed OS at the behest of the user. The drivers provided by invocation and use of the add-device tool could never occur during installation of the OS; a system simply cannot run a utility such as the add-device tool of Maxwell prior to or during installation of the OS.

Moreover, while it may be fair to assume that a device driver of some kind is included in the OS that is capable of facilitating the displaying of the GUI of the add-device tool of Maxwell when it is finally invoked sometime after the log-in experience, there is no teaching or suggestion by Maxwell that such a driver is provided to the OS **while the OS is being installed.** Even if this driver were so provided, there is no teaching or suggestion that this driver could or would be executed in response to the initiation of the log-in experience. Indeed, it is conceded in the Office Action that

“Maxwell does not expressly disclose executing the screen driver upon initiation of the log-in experience.” Of course, the reason that Maxwell does not teach this element, either expressly or impliedly, is that Maxwell does intend for this utility to be invoked automatically during execution of a log-in experience. As previously pointed out, the add-device tool of Maxwell is a utility that is consciously invoked by a user, either directly or under control of another program invoked by the user.

In contrast to Maxwell, the claimed invention provides a screen driver to the OS **during the installation of the OS**. This causes the screen driver to be automatically executed during the log-in experience by the system and essentially alters the normal log-in process thereby. More specifically, execution of the driver causes the display of a screen during the log-in process, the purpose of which is to alert the user to the existence of upgrades to the OS which should be installed before proceeding to other tasks upon completion of the log-in process. All of this is accomplished without any knowledge of the user and with no direct intervention by the user save the user’s unwitting initiation of the log-in experience.

With respect to the assertion that Maxwell discloses the recited limitation displaying the information screen, Appellants respectfully submit that this limitation is only met by Maxwell if taken in isolation, which is legally impermissible when determining the patentability of a claim. The claims must be read as a whole, rather than element by element. *In re Gulack*, 703 F.2d 1381, 217 USPQ 401 (Fed. Cir. 1983). When viewed as part of the rejected claims as a whole, it is clear that the displaying limitation is a sub-element of the executing the screen driver upon initiation of the log-in experience claim element. Put another way, the displaying function is performed as part of the executing function. As such, Maxwell does not teach or suggest that the GUI screen of the add-device tool is ever performed as a part of a process of executing the screen driver upon initiation of the log-in experience.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, claims 1-2, 4-14, 20-21, 25, and 27 are allowable over the art of record.

As yet another example, claim 1 is directed to the initiation and completion of an OS. Appellants respectfully point out that it is legally impermissible to view these limitations in isolation. These limitations are further modified in the rejected claims by the limitation providing a screen driver during installation of the operating system, which occurs in between the initiation of the installation and the completion of the installation, the provided screen driver being the one executed upon initiation of the log-in experience.

Fontanesi discloses a method and system for automatically installing an initial configuration onto a computer (1:63-65), which includes the initiating and completing of an installation of an OS. However, there is no teaching that a screen driver be provided to the OS during that installation, that the provided screen driver be executed upon initiation of a log-in experience to display an information screen, that visibility of the information screen be maintained contrary to the default paradigm of displaying the most recently generated screen above those previously generated screens, that such visibility be maintained until occurrence of a predetermined event, and that the log-in experience be completed. Further, while the add-device tool of Maxwell is designed to generate code for purposes of modifying the already installed version of the OS, this is provided to the OS prior to its re-installation, not during.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, claims 1-2, 4-14, 20-21, 25, and 27 are allowable over the art of record.

Sub-Heading: Claim 2

Claim 2 recites providing a screen driver further comprises storing the screen driver with other drivers to be retrieved by the OS during the installation of the OS. The Examiner argues that this claim element is taught in Maxwell at column 4, lines 1-10. Appellants respectfully traverse.

Column 4, lines 1-10 in Maxwell teach installing a new device driver to a personal computer. This section of Maxwell never teaches or suggests that the new screen

driver is stored “with other drivers to be retrieved by the OS during the installation of the OS” as recited in claim 2.

Sub-Heading: Claim 21

Claim 21 recites retrieving the screen driver from a virtual installation disk (VID). The Examiner argues that this claim element is taught in Maxwell at column 4, lines 1-10. Appellants respectfully traverse.

Column 4, lines 1-10 in Maxwell teach installing a new device driver to a personal computer. This section of Maxwell never teaches or suggests that the new screen driver is retrieved from “from a virtual installation disk (VID)” as recited in claim 21.

Claim Rejections: 35 USC § 103(a)

Claims 3, 21, and 26 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,567,860 (Maxwell) in view of USPN 5,577,244 (Killerbrew) and USPN 6,681,323 (Fontanesi) and USPN 6,832,379 (Zeryck). These rejections are traversed.

As explained above, Maxwell in view of Killerbrew and Fontanesi do not teach or suggest all of the elements of the independent claims. Zeryck fails to cure these deficiencies. For at least the reasons provided for the independent claims, respective dependent claims 3, 21, and 26 are allowable.

Claim Rejections: 35 USC § 103(a)

Claims 15-19, 24, and 29 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,567,860 (Maxwell) in view of USPN 5,577,244 (Killerbrew) and USPN 6,681,323 (Fontanesi) and USPN 6,934,956 (Allen). These rejections are traversed.

As explained above, Maxwell in view of Killerbrew and Fontanesi do not teach or suggest all of the elements of the independent claims. Zeryck fails to cure these deficiencies. For at least the reasons provided for the independent claims, respective dependent claims 3, 21, and 26 are allowable.

CONCLUSION

In view of the above, Appellants respectfully request the Board of Appeals to reverse the Examiner's rejection of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

/Philip S. Lyren #40,709/

Philip S. Lyren
Reg. No. 40,709
Ph: 832-236-5529

VIII. Claims Appendix

1. (original) A method of displaying a vendor provided information screen in response to a log-in experience, said method comprising:

- initiating installation of an operating system (OS);
- providing a screen driver to the OS during the installation;
- completing installation of the OS;
- executing the screen driver upon initiation of the log-in experience, said executing the screen driver further comprising:
 - displaying the information screen; and
 - maintaining visibility of the information screen over subsequently generated display screens until occurrence of a predetermined event; and
 - completing the log-in experience.

2. (original) The method of claim 1 wherein said providing a screen driver further comprises storing the screen driver with other drivers to be retrieved by the OS during the installation of the OS.

3. (original) The method of claim 2 wherein the screen driver is stored in and retrieved from a virtual installation disk (VID).

4. (original) The method of claim 2 wherein the screen driver is stored on and retrieved from an external storage medium.

5. (original) The method claim 2 wherein said executing the screen driver further comprises:

- retrieving one or more screen data files representative of the information screen;
- and
- retrieving a screen program, the screen program comprising a process for displaying the information screen based on the data files and a process for maintaining the information screen on top of any other subsequently generated display screens until

the predetermined event is detected.

6. (original) The method of claim 5 wherein said executing the screen driver further comprises setting up the retrieved screen program to run at the very end of a particular phase of the log-in experience.

7. (original) The method of claim 5 wherein said executing the screen driver further comprises setting up the retrieved screen program to execute only once.

8. (original) The method of claim 5 wherein said executing the screen driver further comprises setting up the retrieved program to execute only in response to a first log-in experience.

9. (original) The method of claim 5 wherein said executing the screen driver further comprises setting up the retrieved program to execute in response to a plurality of log-in experiences.

10. (original) The method of claim 5 wherein the process for displaying instantiates a browser program for displaying the information screen based on the screen data files comprise.

11. (original) The method of claim 10 wherein the process for maintaining alters display window attributes of the browser.

12. (original) The method of claim 10 wherein the information screen comprises hypertext links to one or more additional information screens define by the screen data files.

13. (original) The method of claim 1 wherein the predetermined event is the generation of a particular display window by the OS after completion of the log-in experience.

14. (original) The method of claim 5 wherein the OS is a version of Microsoft Windows having a registry; and wherein the method further comprises modifying the registry to execute the retrieved screen file.

15. (original) The method of claim 14 wherein the retrieved screen program is a batch file comprising the process for displaying and the process for maintaining; and wherein the batch file is executed under an entry of the registry that runs its programs once.

16. (original) The method of claim 14 wherein the retrieved screen program is a batch file comprising the process for displaying and the process for maintaining; and wherein the batch file is executed under an entry of the registry that runs its programs sequentially.

17. (original) The method of claim 14 wherein the retrieved screen program is a batch file comprising the process for displaying and the process for maintaining; and wherein the batch file is executed under an entry of the registry identified as
HKEY_LOCALMACHINE\Software\Windows\Current Version\RunOnceEX.

18. (original) The method of claim 14 wherein:

- the retrieved screen program is a batch file comprising the process for displaying and the process for maintaining;

- the batch file is executed to initiate the process of displaying and the process of maintaining, the log-in experience is completed when execution of the batch file is completed; and

- the process for displaying remains extant until closed by the user.

19. (original) The method of claim 14 wherein:

- the retrieved screen program is a batch file comprising the process for displaying and the process for maintaining;

- the batch file is executed to initiate the process of displaying and the process of maintaining;

the log-in experience is completed when execution of the batch file is completed;
and

the process for maintaining remains extant until occurrence of a predetermined event.

20. (original) A computer program product for displaying a vendor provided information screen in response to a log-in experience, said computer program product comprising:

a computer-readable storage medium; and

program instructions stored on said storage medium for:

initiating installation of an operating system (OS);

providing a screen driver to the OS during the installation;

completing installation of the OS;

executing the screen driver upon initiation of the log-in experience, said

executing the screen driver further comprising:

displaying the information screen; and

maintaining visibility of the information screen over any

subsequently generated display screens until occurrence of a

predetermined event; and

completing the log-in experience.

21. (original) The computer program product of claim 20 wherein said program instructions further for retrieving the screen driver from a virtual installation disk (VID).

22. (original) The computer program product of claim 21 wherein the program instructions further for:

retrieving one or more screen data files representative of the information screen;

and

retrieving a screen program, the screen program comprising a process for displaying the information screen based on the data files and a process for maintaining the information screen on top of any other subsequently generated display screens until the predetermined event is detected.

23. (original) The computer program product of claim 22 wherein the OS is a version of Microsoft Windows, said program instructions further for modifying the registry to execute the retrieved screen file.

24. (original) The computer program product of claim 23 wherein the retrieved screen program is a batch file comprising the process for displaying and the process for maintaining, said program instructions further for executed under an entry of the registry identified as HKEY_LOCALMACHINE\Software\Windows\Current Version\RunOnceEX.

25. (original) A computer system capable of displaying a vendor provided information screen in response to a log-in experience, said computer program product comprising:

- a computer-readable storage medium; and

- program instructions stored on said storage medium for:

- initiating installation of an operating system (OS);

- providing a screen driver to the OS during the installation;

- completing installation of the OS;

- executing the screen driver upon initiation of the log-in experience, said

- executing the screen driver further comprising:

- displaying the information screen; and

- maintaining visibility of the information screen over any

- subsequently generated display screens until occurrence of a

- predetermined event; and

- completing the log-in experience.

26. (original) The computer system of claim 25 wherein said program instructions further for retrieving the screen driver from a virtual installation disk (VID).

27. (original) The computer system of claim 26 wherein the program instructions further for:

retrieving one or more screen data files representative of the information screen;
and

retrieving a screen program, the screen program comprising a process for displaying the information screen based on the data files and a process for maintaining the information screen on top of any other subsequently generated display screens until the predetermined event is detected.

28. (original) The computer system of claim 27 wherein the OS is a version of Microsoft Windows, said program instructions further for modifying the registry to execute the retrieved screen file.

29. (original) The computer system of claim 28 wherein the retrieved screen program is a batch file comprising the process for displaying and the process for maintaining, said program instructions further for executed under an entry of the registry identified as HKEY_LOCALMACHINE\Software\Windows\Current Version\RunOnceEX.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.